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Assistant Commissioner for Patents
Washington, D.C. 20231

On 7 May 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Melinda Adrejt

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SCHNEIDER *et al.*

Application No.: 09/601,561

Filed: December 15, 2000

For: MOLECULAR COMPUTING
ELEMENTS: GATES AND FLIP-
FLOPS

Examiner: Zhou, Shubo "Joe"

Art Unit: 1631

RESPONSE TO ELECTION
REQUIREMENT AND
COMMUNICATION UNDER 37 C.F.R. §§
1.821-1.825 AND AMENDMENT

#6/a
Zeta
5-29-01

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The following amendment and election is submitted in response to the Office Communication mailed April 5, 2001. A response was due May 5, 2001, which was a Saturday. Accordingly, the present response, filed on Monday May 7, 2001, is timely filed.

Applicants elect, with traverse, species A and SEQ ID NO:1. Applicants disagree that the different number of proteins binding sites in Species A (defined by the Examiner as a nucleic acid having two protein binding sites) and Species B (defined by the Examiner as a nucleic acid having three protein binding sites) add a substantial search burden for examination. A search that encompasses all nucleic acid molecules having the two binding sites specified in the claims will also include nucleic acid molecules having three binding sites, as the nucleic acid molecules with three binding sites must have two binding sites. Also, Applicants disagree with the characterization of SEQ ID NO:1 as having two binding sites that are the same while the nucleic acid sequences of SEQ ID NOs:2 and 3 have two different binding sites. Page 4, line 10-15 noted by the Examiner with respect to SEQ ID NOs: 2 and 3, indicates that both binding sites in the two sequences are Fis binding sites.

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